

court that the product be disposed of according to law and acting upon this order the United States marshal destroyed the goods.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9925. Adulteration and misbranding of wheat flour. U. S. * * * v. 434 Sacks of Wheat Flour "D. C." Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14602. I. S. No. 6521-t. S. No. E-3173.)

On March 10, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 434 sacks of wheat flour, labeled "D. C.," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dillsburg Grain Milling Co., Dillsburg, Pa., on or about September 22, 1920, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with, and substituted in part for, the article and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, wheat flour, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 7, 1921, George P. White, Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,860, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9926. Adulteration and misbranding of cottonseed meal. U. S. * * * v. 75 Sacks of Cottonseed Meal * * *. Order of the court authorizing release of product under bond. (F. & D. No. 14856. I. S. No. 10790-t. S. No. W-920.)

On May 9, 1921, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 sacks of cottonseed meal, remaining unsold in the original packages at Raton, N. M., alleging that the article had been shipped by the McCall Cotton & Oil Co., Phoenix, Ariz., November 15, 1920, and transported from the State of Arizona into the State of New Mexico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 38.61 per cent of protein.

It was alleged in the libel that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein meal, which the said article purported to be.

Misbranding of the article was alleged in substance in the libel for the reason that the tags attached to the sacks containing the said article bore the statement regarding the composition thereof, to wit, "* * * Protein 43% * * *."